

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1979 Session of
1979

INTRODUCED BY FREIND, NOVEMBER 14, 1979

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 14, 1979

AN ACT

1 Authorizing increased real estate taxes by municipalities to
2 fund certain State mandated programs and costs.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Whenever the General Assembly enacts legislation
6 which imposes additional functions, responsibilities or duties
7 on any municipality, and such additional functions,
8 responsibilities or duties would increase the municipality's
9 expenditures to the extent that the municipality is unable to
10 finance the expenditures from the taxes and tax levels currently
11 authorized for the municipality by law, then the provisions of
12 this act shall be applicable.

13 Section 2. The governing body of any municipality which
14 believes the provisions of this act are applicable to it as a
15 result of the triggering conditions enumerated in section 1,
16 having occurred, shall at the time its budget is presented for
17 public comment, provide a detailed enumeration of those costs

1 which are to be incurred by the municipality during the ensuing
2 fiscal year and which are a direct result of State legislation
3 taking effect during the current or ensuing fiscal year and for
4 which funding has not been previously provided.

5 Section 3. The governing body of the municipality may
6 increase its tax levy on real property beyond any statutorily
7 imposed millage limit to the extent necessary to meet those
8 costs which it has shown pursuant to section 2 to be a direct
9 result of recent State legislation.

10 Section 4. The governing body of the municipality shall give
11 notice of its proposed budget and proposed tax rates and of the
12 time and place of the formal consideration of such proposals in
13 the manner prescribed by the act of July 19, 1974 (P.L.486,
14 NO.175), referred to as the Public Agency Open Meeting Law. The
15 governing body shall also hold public hearings on the proposals
16 prior to their final consideration for adoption.

17 Section 5. Any person aggrieved by the governing body's
18 determination as to the nature and amount of the costs
19 attributed to the State legislation or as to the rate and amount
20 of real estate taxes levied to fund such costs shall have the
21 same right of judicial review of the governing body's
22 determinations as other parties aggrieved by adjudications of
23 local agencies pursuant to the provisions of 2 Pa.C.S. § 751 et
24 seq. (relating to judicial review of local agency action).

25 Section 6. All acts or parts of acts imposing limitations on
26 the rate of real property taxes imposed by municipalities are
27 hereby repealed to the extent they are inconsistent with this
28 act.

29 Section 7. This act shall take effect immediately and shall
30 be applicable to municipal fiscal years beginning on and after

1 July 1, 1980.